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SOUTHERN DISTRICT OF CALIFORNIA

BY: *PM* DEPUTY

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**MORENO-Gomez, Alberto**

Defendant,

) Magistrate Docket No. **07MJ2769**  
) Case No. \_\_\_\_\_

) **AMENDED**  
) **COMPLAINT FOR VIOLATION OF:**  
) **Title 8 USC, Section 1326**  
) **Title 21 USC, Section 841(a) (1)**

)  
) **Deported Alien Found in the United States**  
) **(Felony)**

The undersigned complainant, being duly sworn, states:

**COUNT I**

On or about November 27, 2007, within the Southern District of California, Defendant Alberto MORENO-Gomez, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

On or about January 4, 2007, within the Southern District of California, defendant Alberto MORENO-Gomez did knowingly and intentionally possess with intent to distribute approximately 32.05 kilograms of marijuana; in violation of Title 21, United States Code, Sections 841(a)(1).

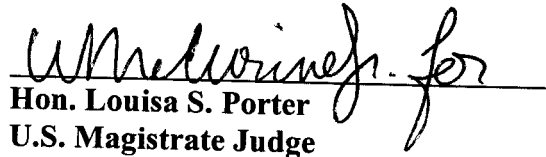
And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Special Agent

U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7<sup>th</sup> DAY OF JANUARY, 2008.



Hon. Louisa S. Porter  
U.S. Magistrate Judge

Alberto MORENO-Gomez came to the attention of Special Agent (S/A) Michael Haines via a law enforcement source on or about November 9, 2007. S/A Haines was informed that MORENO was a deported alien and that he had likely returned to the United States unlawfully subsequent to his last removal from the United States. After receiving this information, S/A Haines conducted research to determine its accuracy.

S/A Haines reviewed records maintained by the Department of Homeland Security. These records indicate that MORENO is a native and citizen of Mexico who was last deported from the United States on January 10, 2003, pursuant to an immigration judge's order of removal entered on August 21, 2000.

S/A Haines reviewed a form I-205 (Warrant of Deportation/Removal). This form documents MORENO's physical removal from the U.S. to Mexico on January 10, 2003, through the port at San Ysidro, California. An immigration judge's order mandating MORENO's removal from the United States was reviewed by S/A Haines, as was a form I-213 (Report of Deportable/Inadmissible Alien) identifying MORENO as a native and citizen of Mexico, born June 29, 1969. Photographs and fingerprints taken in preparation for deportation were also items seen by S/A Haines during this review of records.

On November 27, 2007, S/A Haines queried a computer database maintained by the California Department of Motor Vehicles (DMV). S/A Haines discovered that MORENO had made application to renew his California driver's license and was photographed for that license on October 17, 2007. Through use of the same computer databases, S/A Haines discovered that MORENO had been issued a California driver's license with the same identification number prior to being deported from the United States. During the October 17, 2007, application to renew his license, he identified himself as Alberto MORENO-Gomez, born June 29, 1969. Additionally, he provided an address of 154 Date Street, Chula Vista, California.

The Sacramento office of the DMV informed S/A Haines that this application for renewal of MORENO's license was made at the San Ysidro, California, DMV office. Additionally, MORENO's photograph, which was obtained by S/A Haines, was taken at that same office on October 17, 2007. S/A Haines compared the October 17, 2007, DMV photograph taken in San Ysidro, California, to the photographs taken by U.S. immigration officers in preparation for deportation. These photographs appear to be of the same individual.

A review of records maintained by the U.S. Department of Homeland Security yields no indication that MORENO has applied for or received permission to reapply for admission to the United States after deportation.

On January 4, 2008, agents traveled to 154 Date Street, Chula Vista, California. While approaching the front door of the residence, agents observed a Hispanic male standing in an open window. Agents approached the window and observed that the male standing in the window appeared to be Alberto MORENO-Gomez. Agents asked the individual to come to the front door of the residence, and to bring some form of government issued identification.

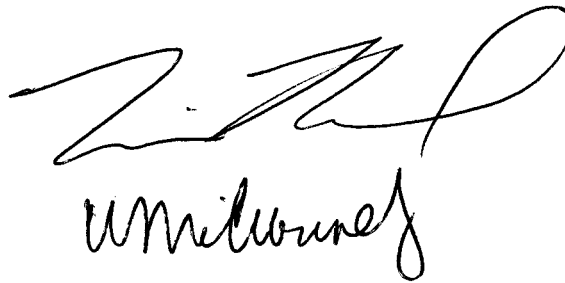
Agents met the individual at the front door, and he presented a California driver's license. The picture on the license matched the individual, and the name on the license indicated Alberto Gomez MORENO. The date of birth indicated on the license was June 29, 1969. Agents asked the Hispanic male what his name was, and he responded that it is Alberto MORENO-Gomez. Agents then placed MORENO in handcuffs, and told him that they had a criminal arrest warrant for him for being in the United States illegally after being deported.

Agents then conducted a security sweep of the residence for officer safety reasons. Agents opened the door to the garage, which is attached to the residence. Upon opening the door to the garage, agents smelled a strong odor resembling marijuana. Agents also observed numerous black plastic garbage bags in plain view.

Agents told MORENO that it smelled like marijuana in his garage. Agents then gave MORENO the option to give agents consent to search the premise, or to procure a search warrant. MORENO consented to agents to search the premise. MORENO indicated this verbally and signed a Consent to Search form. In reference to the marijuana, MORENO spontaneously stated: "It's only like 27 kilos, which is about 60 pounds." SUP

Agents conducted a search of the premise and discovered approximately 32.05 kilograms of marijuana in the garage of MORENO's residence. Agents also seized \$3,090 USD in bulk cash concealed in the master bedroom closet.

MORENO was arrested and charged with violations of Title 21, United States Code (USC), Section 841(a)(1), and Title 8, USC, Section 1326. MORENO was booked into the Metropolitan Correction Center, San Diego, CA.



Z. Thompson